

REMARKS

Applicants thank the Examiner for the allowance of claims 7-20. In the July 27, 2007, Office Action, the Examiner requested deletion of the word “data” from the title and that appropriate patent numbers be inserted in paragraph [0001], both of which have been done.

The Examiner objected to the drawings under 37 CFR 1.83(a) for failing to illustrate the patient monitoring system of claims 1-6. Attached to these remarks is a substitute drawing sheet (17/17) that includes an additional Figure 22 depicting, in block diagram form, a non-rotating base frame 16, an end ring 24, a patient support platform 20 mounted to the end ring 24, a patient monitoring device 300 connected to the patient support platform 20, and a direct electrical connection 253 between the base frame 16 and the patient monitoring device 300 connected to the patient support platform 20. A paragraph has been added to the summary of the drawings section and paragraph 47 has been amended to refer to the new figure. The drawing and specification amendments do not add new matter because all of the elements of the drawing, except for the patient monitoring device 300, are illustrated in the other drawings. The illustration of the patient monitoring device 300 in block format also does not add new matter, because it is fully supported by the text and original claim 17 of the parent application of which this is a divisional.

The Examiner also rejected claims 1-6 under section 112, paragraphs 1 and 2, on the basis that it is not clear exactly what the “patient monitoring system” and “direct electrical connection” are. To overcome the rejection with respect to the “direct electrical connection,” Applicants have amended claim 1 to recite a “a direct wired electrical connection between the base frame and the patient monitoring system, a first portion of the wired electrical connection being mounted in fixed relation to the base frame, and a second portion of the wired electrical

connection spaced apart from the first portion being mounted in fixed relation to the patient support platform, the direct electrical connection allowing being adapted to flex during rotation of the patient support platform into a between the supine and prone positions.” Both the literal text and the specification make it clear that a direct wired electrical connection, as used in the claims, excludes the prior art wire brush power-connection interface described in WO 99/62454. It would also plainly exclude a patient support platform-mounted patient monitoring device solely powered by a patient support platform-powered battery and solely using wireless radio transmissions to transmit patient monitoring data. The scope of the claim, as amended, also clearly requires a flexible wired connection. Paragraphs 47 and 48 of the specification fully support these amendments to claim 1.

With respect to the issue of “patient monitoring systems,” Applicants respectfully submit that this is a common generic term, like the term “computer” or “automobile,” that is well known to persons of ordinary skill in the art as a device that senses the status, activity, or physical or physiological condition of a patient. Hundreds of patents demonstrate that persons of ordinary skill in the art are familiar with the expression “patient monitoring system” and the types of devices to which the expression refers. A handful of these patents, attached as exhibits to this paper, are described below:

U.S. Patent No. 3,614,951 to Caro (issued in 1971) describes “a system for monitoring hospital patients compris[ing] a plurality of patient sensor instruments individually located at different hospital bed positions for producing electrical signals representing physical conditions of patients.” Col. 2, lines 14-18. Caro’s preferred example of a patient monitoring device has an electrocardiograph sensor. Col. 3, lines 2-5.

U.S. Patent No. 3,638,643 to Heflin, Sr. (issued in 1972), entitled “Patient Monitoring System with Bedsheet-Mounted Antenna,” observes that “[i]n an intensive care facility, the condition of a patient is often monitored on instruments connected to sensing devices attached to the patient, the instruments being at the bedside or at a remote location.” Col. 1, lines 5-8. Heflin provides “a temperature sensor 12, a heart beat pickup 14 and EKG-sensor 16” merely as “an example” of a patient monitoring system. Col. 1, lines 64-66. He emphasizes that “[s]uch devices, *and others for various biological sensing purposes, are well known and any desired combination may be incorporated in the sensor unit.*” Col. 1, lines 69-71 (emphasis added).

U.S. Patent No. 6,352,504 to Ise et al., entitled “Patient Monitoring Device,” describes patient monitoring devices as instruments that sense physiological data of a patient:

The present invention pertains to a device for monitoring patients, which is used to detect and process physiological data of a patient, wherein the physiological data are detected by sensors. . . . Such patient monitoring devices have a terminal associated with a patient, to which one or more sensors for detecting physiological parameters of the patient are to be connected. The terminal receives the electrical signals of the sensors and processes the same further, e.g., by digitization, calibration, and scaling. . . . The type of physiological parameters that must be detected in a given patient changes from one patient to the next depending on the diagnosis and the instantaneous health status. Col. 1, lines 4-38.

U.S. Patent No. 6,014,626 to Cohen, entitled “Patient Monitoring System Including Speech Recognition Capability,” observes that “many existing monitoring systems involve connecting sensors to the patient to monitor vital signs, such as blood pressure or temperature.” Col. 1, line 66 – col. 2, line 2. Cohen goes on to list several different types of patient monitoring systems, including “a system to monitor the blood pressure and heart rate of an outpatient,” a “pacemaker monitoring device,” and a “portable battery-powered EKG signal detector and transmitter.” Col. 2, lines 14-36.

U.S. Patent No. 6,441,742 to Lovely et al., entitled “Microprocessor Based Bed Patient Monitor,” describes patient monitoring devices as systems that sense patient status or activity:

Generally speaking, electronic monitors work by first sensing an initial status of a patient, and then generating a signal when that status changes, e.g., he or she has sat up in bed, left the bed, risen from a chair, etc., any of which situations could pose a potential cause for concern in the case of an at-risk patient. Col. 1, line 64 – col. 2, line 2.

Indeed, there are dozens of patents for patient monitoring systems to detect patient status, activity or bed exit. *See, e.g.*, U.S. Patent No. 4,907,845 entitled “Bed Patient Monitoring System”; U.S. Patent No. 4,947,152 entitled “Patient Monitoring System”; U.S. Patent No. 5,600,305 entitled “Portable Patient Monitoring System;” and U.S. Patent No. 4,868,937 entitled “Therapeutic Bed” (disclosing system to monitor a patient’s weight).

The foregoing patent references demonstrate that the expression “patient monitoring system” has been commonly used for at least the past 35 years and embodies a recognizable, definite set of structures to persons of ordinary skill in the art. This fulfills the written description requirement that an applicant “describe the claimed invention so that one skilled in the art can recognize what is claimed.” *University of Rochester v. G.D. Searle & Co.*, 358 F.3d 916, 923 (Fed. Cir. 2004) (quoting *Enzo Biochem, Inc. v. Gen-Probe Inc.*, 323 F.3d 956, 968 (Fed. Cir. 2002)). In the *G.D. Searle* case, the Federal Circuit noted that “in the nineteenth century, use of the word ‘automobile’ would not have sufficed to describe a newly invented automobile; an inventor would need to describe what an automobile is, viz., a chassis, an engine, seats, wheels on axles, etc.” *G.D. Searle*, 358 F.3d at 923 (emphasis added). Similarly, sixty years ago, the mere use of the word “computer” would also fail to adequately describe an element of a claim. And twenty years ago, the word “internet” may have been indefinite. But today, the words “automobile,” “computer,” and “internet” all have definite, well-recognizable

meanings. From the perspective of persons of ordinary skill in the art of intensive patient care systems, the expression "patient monitoring system" is equally definite and recognizable.

In light of the foregoing amendments and remarks, Applicants respectfully reconsideration of the section 112 grounds of rejection. Believing that all matters raised in the Examiner's July 27, 2004, Office Action, have been addressed, Applicants respectfully ask that the claims be examined, allowed and passed to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric W. Cernyar". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Eric W. Cernyar
Reg. No. 45,919
8023 Vantage Drive
San Antonio, Texas 78230
(210) 863-0063 (cell phone)
(210) 255-6969 (facsimile)